

“(II) a finding of no significant impact; or
 “(III) a categorical exclusion under this title.

“(7) PROJECT SPONSOR.—The term ‘project sponsor’ means a Federal agency or other entity, including a private or public-private entity, that seeks approval of a covered project.

“(b) APPLICABLE TIMELINES.—

“(1) NEPA PROCESS.—

“(A) IN GENERAL.—The head of a Federal agency shall complete the NEPA process for a covered project under the jurisdiction of the Federal agency, as described in subsection (a)(6)(B)(ii), not later than 2 years after the date described in subsection (a)(6)(B)(i).

“(B) ENVIRONMENTAL DOCUMENTS.—Within the period described in subparagraph (A), not later than 1 year after the date described in subsection (a)(6)(B)(i), the head of the Federal agency shall, with respect to the covered project—

“(i) issue—

“(I) a finding that a categorical exclusion applies to the covered project; or

“(II) a finding of no significant impact; or

“(ii) publish a notice of intent to prepare an environmental impact statement in the Federal Register.

“(C) ENVIRONMENTAL IMPACT STATEMENT.—

If the head of a Federal agency publishes a notice of intent described in subparagraph (B)(ii), within the period described in subparagraph (A) and not later than 1 year after the date on which the head of the Federal agency publishes the notice of intent, the head of the Federal agency shall complete the environmental impact statement and, if necessary, any supplemental environmental impact statement for the covered project.

“(2) AUTHORIZATIONS AND PERMITS.—

“(A) IN GENERAL.—Not later than 90 days after the date described in subsection (a)(4)(B)(ii), the head of a Federal agency shall issue—

“(i) any necessary permit or authorization to carry out the covered project; or

“(ii) a denial of the permit or authorization necessary to carry out the covered project.

“(B) EFFECT OF FAILURE TO ISSUE AUTHORIZATION OR PERMIT.—If a permit or authorization described in subparagraph (A) is not issued or denied within the period described in that subparagraph, the permit or authorization shall be considered to be approved.

“(C) DENIAL OF PERMIT OR AUTHORIZATION.—

“(i) IN GENERAL.—If a permit or authorization described in subparagraph (A) is denied, the head of the Federal agency shall describe to the project sponsor—

“(I) the basis of the denial; and

“(II) recommendations for the project sponsor with respect to how to address the reasons for the denial.

“(ii) RECOMMENDED CHANGES.—If the project sponsor carries out the recommendations of the head of the Federal agency under clause (i)(II) and notifies the head of the Federal agency that the recommendations have been carried out, the head of the Federal agency—

“(I) shall decide whether to issue the permit or authorization described in subparagraph (A) not later than 90 days after the date on which the project sponsor submitted the notification; and

“(II) shall not carry out the NEPA process with respect to the covered project again.”.

SA 2276. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr.

TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 999B of the Energy Policy Act of 2005 (as added by section 40304(a)), strike subsection (e).

In section 999B of the Energy Policy Act of 2005 (as added by section 40304(a)), redesignate subsections (f) and (g) as subsections (e) and (f), respectively.

SA 2277. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 40201(e), strike paragraph (3) and insert the following:

(3) PRIORITIES.—In carrying out paragraph (1), the Initiative shall prioritize—

(A) with regard to minerals, mineralization, and mineral deposits, mapping and assessing critical minerals; and

(B) mapping and the review of data relating to land that is subject to an administrative withdrawal from mineral development.

SA 2278. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 40105 of subtitle A of title I of division D.

SA 2279. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division E, add the following:

TITLE —PROJECT DELIVERY PROGRAM FOR WATER STORAGE INFRASTRUCTURE PROJECTS

SEC. —. PROJECT DELIVERY PROGRAM FOR WATER STORAGE INFRASTRUCTURE PROJECTS.

Title I of the National Environmental Policy Act of 1969 is amended—

(1) by redesignating section 105 (42 U.S.C. 4335) as section 106; and

(2) by inserting after section 104 (42 U.S.C. 4334) the following:

“SEC. 105. PROJECT DELIVERY PROGRAM FOR WATER STORAGE INFRASTRUCTURE PROJECTS.

“(a) DEFINITIONS.—In this section:

“(1) AGENCY PROGRAM.—The term ‘agency program’ means a project delivery program established by the Secretary under subsection (b)(1).

“(2) COVERED PROJECT.—The term ‘covered project’ means a water storage infrastructure project that includes related transmission infrastructure and other associated infrastructure components.

“(3) DEPARTMENT.—The term ‘Department’ means the Department of the Interior.

“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

“(b) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary shall carry out a project delivery program for covered projects.

“(2) ASSUMPTION OF RESPONSIBILITY.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall, on request of a State, enter into a written agreement with the State, which may be in the form of a memorandum of understanding, in which the Secretary may assign, and the State may assume, the responsibilities of the Secretary under this title with respect to 1 or more covered projects within the State that are under the jurisdiction of the Department.

“(B) EXCEPTION.—The Secretary shall not enter into a written agreement under subparagraph (A) if the Secretary determines that the State is not in compliance with the requirements described in subsection (c)(4).

“(C) ADDITIONAL RESPONSIBILITY.—If a State assumes responsibility under subparagraph (A)—

“(i) the Secretary may assign to the State, and the State may assume, all or part of the responsibilities of the Secretary for environmental review, consultation, or other action required under any Federal environmental law pertaining to the review or approval of a specific covered project;

“(ii) at the request of the State, the Secretary may also assign to the State, and the State may assume, the responsibilities of the Secretary under this title with respect to 1 or more covered projects within the State that are under the jurisdiction of the Department; but

“(iii) the Secretary may not assign responsibility for any conformity determination required under section 176 of the Clean Air Act (42 U.S.C. 7506).

“(D) PROCEDURAL AND SUBSTANTIVE REQUIREMENTS.—A State shall assume responsibility under this section subject to the same procedural and substantive requirements as would apply if that responsibility were carried out by the Department.

“(E) FEDERAL RESPONSIBILITY.—Any responsibility of the Department not explicitly assumed by the State by written agreement under subparagraph (A) shall remain the responsibility of the Department.

“(F) NO EFFECT ON AUTHORITY.—Nothing in this section preempts or interferes with any power, jurisdiction, responsibility, or authority of an agency, other than Department, under applicable law (including regulations) with respect to a covered project.

“(G) PRESERVATION OF FLEXIBILITY.—The Secretary may not require a State, as a condition of participation in the agency program of the Department, to forego project delivery methods that are otherwise permissible for covered projects under applicable law.

“(H) LEGAL FEES.—A State assuming the responsibilities of the Department under this section for a specific covered project may use funds awarded to the State for that

project for attorneys' fees directly attributable to eligible activities associated with the covered project.

“(c) STATE PARTICIPATION.—

“(1) PARTICIPATING STATES.—Except as provided in subsection (b)(2)(B), all States are eligible to participate in an agency program.

“(2) APPLICATION.—Not later than 270 days after the date of enactment of this section, the Secretary shall amend, as appropriate, regulations that establish requirements relating to information required to be contained in any application of a State to participate in the agency program, including, at a minimum—

“(A) the covered projects or classes of covered projects for which the State anticipates exercising the authority that may be granted under the agency program;

“(B) verification of the financial resources necessary to carry out the authority that may be granted under the agency program; and

“(C) evidence of the notice and solicitation of public comment by the State relating to participation of the State in the agency program, including copies of comments received from that solicitation.

“(3) PUBLIC NOTICE.—

“(A) IN GENERAL.—Each State that submits an application under this subsection shall give notice of the intent of the State to participate in an agency program not later than 30 days before the date of submission of the application.

“(B) METHOD OF NOTICE AND SOLICITATION.—The State shall provide notice and solicit public comment under this paragraph by publishing the complete application of the State in accordance with the appropriate public notice law of the State.

“(4) SELECTION CRITERIA.—The Secretary may approve the application of a State under this section only if—

“(A) the regulatory requirements under paragraph (2) have been met;

“(B) the Secretary determines that the State has the capability, including financial and personnel, to assume the responsibility; and

“(C) the Secretary having primary jurisdiction over the covered project enters into a written agreement with the Secretary as described in subsection (d).

“(5) OTHER FEDERAL AGENCY VIEWS.—If a State applies to assume a responsibility of the Department that would have required the Secretary to consult with the head of another Federal agency, the Secretary shall solicit the views of the head of the other Federal agency before approving the application.

“(d) WRITTEN AGREEMENT.—A written agreement under subsection (b)(2)(A) shall—

“(1) be executed by the Governor or the top-ranking official in the State who is charged with responsibility for the covered project;

“(2) be in such form as the Secretary may prescribe;

“(3) provide that the State—

“(A) agrees to assume all or part of the responsibilities of the Department described in subparagraphs (A) and (C) of subsection (b)(2);

“(B) expressly consents, on behalf of the State, to accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the Department assumed by the State;

“(C) certifies that State laws (including regulations) are in effect that—

“(i) authorize the State to take the actions necessary to carry out the responsibilities being assumed; and

“(ii) are comparable to section 552 of title 5, including providing that any decision regarding the public availability of a docu-

ment under those State laws is reviewable by a court of competent jurisdiction; and

“(D) agrees to maintain the financial resources necessary to carry out the responsibilities being assumed;

“(4) require the State to provide to the Secretary any information the Secretary reasonably considers necessary to ensure that the State is adequately carrying out the responsibilities assigned to the State;

“(5) have a term of not more than 5 years; and

“(6) be renewable.

“(e) JURISDICTION.—

“(1) IN GENERAL.—The United States district courts shall have exclusive jurisdiction over any civil action against a State for failure to carry out any responsibility of the State under this section.

“(2) LEGAL STANDARDS AND REQUIREMENTS.—A civil action under paragraph (1) shall be governed by the legal standards and requirements that would apply in such a civil action against the Secretary had the Secretary taken the actions in question.

“(3) INTERVENTION.—The Secretary shall have the right to intervene in any action described in paragraph (1).

“(f) EFFECT OF ASSUMPTION OF RESPONSIBILITY.—A State that assumes responsibility under subsection (b)(2) shall be solely responsible and solely liable for carrying out, in lieu of and without further approval of the Secretary, the responsibilities assumed under subsection (b)(2), until the agency program is terminated under subsection (k).

“(g) LIMITATIONS ON AGREEMENTS.—Nothing in this section permits a State to assume any rulemaking authority of the Secretary under any Federal law.

“(h) AUDITS.—

“(1) IN GENERAL.—To ensure compliance by a State with any agreement of the State under subsection (d) (including compliance by the State with all Federal laws for which responsibility is assumed under subsection (b)(2)), for each State participating in an agency program, the Secretary shall—

“(A) not later than 180 days after the date of execution of the agreement, meet with the State to review implementation of the agreement and discuss plans for the first annual audit;

“(B) conduct annual audits during each of the first 4 years of State participation; and

“(C) ensure that the time period for completing an annual audit, from initiation to completion (including public comment and responses to those comments), does not exceed 180 days.

“(2) PUBLIC AVAILABILITY AND COMMENT.—

“(A) IN GENERAL.—An audit conducted under paragraph (1) shall be provided to the public for comment.

“(B) RESPONSE.—Not later than 60 days after the date on which the period for public comment ends, the Secretary shall respond to public comments received under subparagraph (A).

“(3) AUDIT TEAM.—

“(A) IN GENERAL.—An audit conducted under paragraph (1) shall be carried out by an audit team determined by the Secretary, in consultation with the State, in accordance with subparagraph (B).

“(B) CONSULTATION.—Consultation with the State under subparagraph (A) shall include a reasonable opportunity for the State to review and provide comments on the proposed members of the audit team.

“(i) MONITORING.—After the fourth year of the participation of a State in an agency program, the Secretary shall monitor compliance by the State with the written agreement, including the provision by the State of financial resources to carry out the written agreement.

“(j) REPORT TO CONGRESS.—The Secretary shall submit to Congress an annual report

that describes the administration of the agency program.

“(k) TERMINATION.—

“(1) TERMINATION BY DEPARTMENT.—The Secretary may terminate the participation of any State in the agency program of the Department if—

“(A) the Secretary determines that the State is not adequately carrying out the responsibilities assigned to the State;

“(B) the Secretary provides to the State—

“(i) a notification of the determination of noncompliance;

“(ii) a period of not less than 120 days to take such corrective action as the Secretary determines to be necessary to comply with the applicable agreement; and

“(iii) on request of the Governor of the State, a detailed description of each responsibility in need of corrective action regarding an inadequacy identified under subparagraph (A); and

“(C) the State, after the notification and period provided under subparagraph (B), fails to take satisfactory corrective action, as determined by the Secretary.

“(2) TERMINATION BY THE STATE.—A State may terminate the participation of the State in an agency program at any time by providing to the Secretary a notice by not later than the date that is 90 days before the date of termination, and subject to such terms and conditions as the Secretary may provide.

“(l) CAPACITY BUILDING.—The Secretary, in cooperation with representatives of State officials, may carry out education, training, peer-exchange, and other initiatives as appropriate—

“(1) to assist States in developing the capacity to participate in the agency program of the Department; and

“(2) to promote information sharing and collaboration among States that are participating in the agency program of the Department.

“(m) RELATIONSHIP TO LOCALLY ADMINISTERED COVERED PROJECTS.—A State granted authority under an agency program may, as appropriate and at the request of a local government—

“(1) exercise that authority on behalf of the local government for a locally administered covered project; or

“(2) provide guidance and training on consolidating and minimizing the documentation and environmental analyses necessary for sponsors of a locally administered covered project to comply with this title and any comparable requirements under State law.”.

SA 2280. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . DROUGHT AS AN ELIGIBLE CAUSE OF LOSS UNDER THE LIVESTOCK INDEMNITY PROGRAM.

Section 1501(b)(1)(B) of the Agricultural Act of 2014 (7 U.S.C. 9081(b)(1)(B)) is amended by inserting “drought,” after “extreme heat,”.

SA 2281. Mr. DAINES submitted an amendment intended to be proposed to